

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

TRAVIS MARK EDMONDS,

Plaintiff,

v.

CIVIL ACTION NO. 2:17-cv-01953

STATE TROOPER STEP, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the Court are Plaintiff's Application to Proceed Without Prepayment of Fees and Costs ("IFP Application"), (ECF No. 1), and Complaint under 42 U.S.C. § 1983, (ECF No. 2). By Standing Order filed in this case on March 21, 2017, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). Magistrate Judge Tinsley filed his PF&R on June 21, 2018, recommending that this Court find that Plaintiff has failed to prosecute this civil action, dismiss this case without prejudice, and deny as moot Plaintiff's IFP Application. (ECF No. 9.)

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Plaintiff's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need

not conduct a *de novo* review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on July 9, 2018. To date, no objections have been filed. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 9), and **FINDS** that Plaintiff has failed to prosecute this case. The Court further **DENIES AS MOOT** Plaintiff’s IFP Application, (ECF No. 2), **DISMISSES** this civil action **WITHOUT PREJUDICE**, and **DIRECTS** the Clerk to remove this matter from the Court’s docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 12, 2018



THOMAS E. JOHNSTON, CHIEF JUDGE